IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

OP.No. 3741 of 1996(U)

PETITIONER:

SHIBU GEORGE, S/O.GEORGE, AGED 28 YEARS,
CONTRACTOR, THAMARACHALIL HOUSE,
KOLENCHERRY.

BY ADV. SRI.M.P.ABRAHAM (SENIOR)
SRI.V.PHILIP MATHEW

RESPONDENTS:

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1. STATE OF KERALA REP. BY THE CHIEF SECRETARY TO GOVT. OF KERALA, TRIVANDRUM.

2. THE SUPERINTENDING ENGINEER, P.Y.I.P., PROJECT CIRCLE, KANNUR.

3. THE EXECUTIVE ENGINEER, P.Y.I.P., DIVISION NO.2, KANNUR-673 002.

4. THE SUPERINTENDING ENGINEER, K.I.P., R.B.CIRCLE, KOTTARAKKARA.

5. THE EXECUTIVE ENGINEER, K.I.P., L.B.DIVISION NO.I, PUNALOOR.

BY SPL. GOVERNMENT PLEADER (TAXES) SRI.C.K.GOVINDAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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O.P.No.3741 OF 1996

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DATED THIS THE 5TH MARCH, 2007

J U D G M E N T

I find myself unable to grant relief to the petitioner in view of the subsequent judgment of the Supreme Court in **State of Kerala v. Builders Association of India** (1997 (1) KLT 88). The Original Petition will stand dismissed. It is however made clear that the contractor will have the right for exercising option and the assessment shall be made in terms of the option submitted by the contractor.

(PIUS C. KURIAKOSE, JUDGE)

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PIUS C.KURIAKOSE, J.

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O.P.NO.3741 OF 1996-U

JUDGMENT

5TH MARCH, 2007

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